# Congress of the United States
## Washington, D.C.

October 1, 2007

The Honorable Jonathon Snare
Solicitor of Labor (Acting)
Mine Safety and Health Administration
U.S. Department of Labor
Washington, DC

Dear Solicitor Snare:

We understand that by letter dated September 26, 2007, you have denied the request of the recently-formed Utah Mine Safety Commission for access to information being gathered by MSHA's investigative team presently examining the tragic incident at Crandall Canyon.

At the outset, let us be clear that we share your concern that entities on the Commission should not have access to material that might "compromise the integrity of the investigation and potentially jeopardize MSHA's ability to enforce the law." At the same time, we think it important both as a matter of substance and process that Utah's state work be as robust as possible within that context.

As announced, the Commission's charter is to focus on accident prevention, responses to accidents, and how the state could regulate safety inspections. Working cooperatively with MSHA personnel would give the Utah Commission unparalleled insight into how the agency operates, identify what role the state could fill if it decides to create a state mining agency, and lay a positive foundation for future interaction between the state and MSHA.

While the State of Utah does have a representative on the Commission, Utah's Secretary of Labor, Sherry Hayashi, we urge you to provide Utah Mine Safety Commission access to information that would otherwise be available under a Freedom of Information Act (FOIA) request and treat this as a standing request for the duration of the Commission's investigation. Of course, we would expect MSHA to maintain the confidentiality of documents that would void any confidentiality agreements or information that may affect a criminal referral to the Department of Justice.

In the absence of this information, the Commission would have limited access to the information generated during the investigation and would be severely limited in its ability to succeed. Accordingly, we urge you to give consideration to providing this information to the Utah state commission, so that both agencies may engage in as full an investigation as possible.

Sincerely,